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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/667,531	09/22/2003	Larry E. Maple	10010995-6	9934

7590 11/30/2005  
HEWLETT-PACKARD COMPANY  
Intellectual Property Administration  
P. O. Box 272400  
Fort Collins, CO 80527-2400

EXAMINER

WILLS, MONIQUE M

ART UNIT	PAPER NUMBER
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1746

DATE MAILED: 11/30/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

15

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	10/667,531	MAPLE, LARRY E.	
	<b>Examiner</b>	<b>Art Unit</b>	
	Monique M. Wills	1746	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 16 September 2005.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 36-40 and 45-48 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 36,45 and 46 is/are rejected.
- 7) ☒ Claim(s) 37-40,47 and 48 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 22 September 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |   |   |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)                        | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)    | Paper No(s)/Mail Date. _____  |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____   | 6) <input type="checkbox"/> Other: _____                                    |

## **DETAILED ACTION**

### ***Response to Amendment***

This Office Action is responsive to the Amendment filed September 16, 2005. Claims 37-40 & 47-48 remain objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form. Claims 36 & 45-46 stand rejected under 35 U.S.C. 102(b) as being anticipated by W.E. Reed et al. U.S. Patent 2,896,875. A brief reiteration is recited below.

### ***Allowable Subject Matter***

Claims 37-40 & 47-48 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Claims 37-40 would be allowable over the prior art of record, because the prior art is silent to a battery-powered device comprising a coiled spring contact comprising a plurality of concentric windings contiguous with an upper end turn with a terminal contact point laterally offset from an axis of rotation defined by the windings.

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Claim 47 would be allowable over the prior art of record, because the prior art is silent to a coiled spring contact comprising a plurality of concentric windings, wherein the rupturing means comprises at least one bend in an upper turn of the coiled spring contact, each bend having an apex facing into the battery compartment to define a terminal contact point.

Claim 48 would be allowable over the prior art of record, because the prior art is silent to a coiled spring contact comprising a plurality of concentric windings defining an axis of rotation, wherein the scarping means comprises a bend on an upper turn of the coiled spring contact laterally offset from the axis of rotation, the bend having an apex facing into the battery compartment to define a terminal contact point.

*Claim Rejections – 35 USC § 102*

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

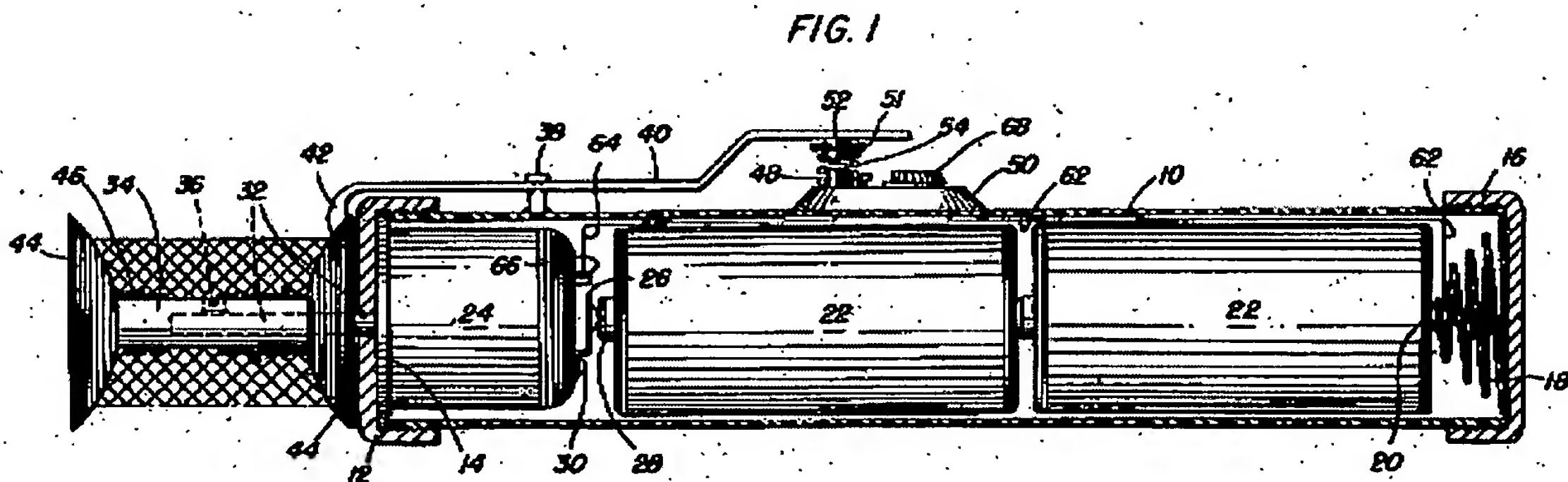
A person shall be entitled to a patent unless –

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(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 36 & 45-46 are rejected under 35 U.S.C. 102(b) as being anticipated by W.E. Reed et al. U.S. Patent 2,896,875.

With respect to claims 36 & 46-46, Reed teaches a battery-powered device



(See figure 1) comprising coiled spring contact (18) disposed in compartment (10). With respect to claims 36 & 46, the limitation with respect to scraping away a portion of an insulating contaminant layer from a surface of an abutting terminal of an installed battery is considered an inherent characteristic of the spring contact (18), because the spring contact is capable of performing said function. As to claim 45, the limitation with respect to means for rupturing an insulating contaminant layer on a localized region of an abutting battery terminal surface, is considered an inherent characteristic of

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the spring contact (18), because the spring contact is capable of performing said function. Therefore, the instant claims are anticipated by Reed.

### ***Response to Arguments***

Applicant contend that Reed is not anticipatory because the coiled spring contact 20 does not *necessarily* perform Applicant's claimed function recited in independent claims 36 & 45. Specifically, "because Reed is concerned only with maintaining the batteries in place, the amount of pressure applied by the spring 18 would only need to be sufficient to maintain a completed circuit. For example, there is no express, implicit or inherent disclosure in Reed regarding a feature or characteristic of coiled spring 18 and contact plate 20 that suggests that a relative lateral movement between an appropriately-configured contact plate 20 and terminal of an installed battery cell 22 occurs as the battery cell is placed into the casing, that a pressure sufficient to rupture a contaminate layer is imparted by an appropriately-configured contact plate". This argument is not persuasive. The coiled spring contact compresses when the battery cell 22 is installed (See Reed, col. 2, lines 64-68 and Fig. 1). This compressive force is enough to pierce or scrape an abutting contaminant layer depending on the thickness and structural integrity of said layer. The Applicant does not specify the compressive strength needed to perform the

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intended function, therefore it is reasonable to assume a low compressive strength is capable of scraping away a variety of contaminant materials.

### **Conclusion**

**THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the Examiner should be directed to Monique Wills whose telephone number is (571) 272-1309. The Examiner can normally be reached on Monday-Friday from 8:30am to 5:00 pm.

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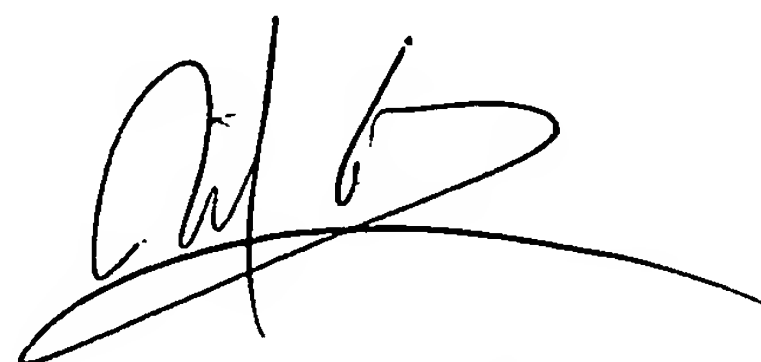
If attempts to reach Examiner by telephone are unsuccessful, the Examiner's supervisor, Michael Barr, may be reached at 571-272-1414. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR.

Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

MW

6/6/05

A handwritten signature in black ink, appearing to read 'Michael Barr', with a large, sweeping horizontal stroke underneath.

**MICHAEL BARR**  
**SUPERVISORY PATENT EXAMINER**